

Groundwater management districts (GMDs) were granted the authority in 2012, through K.S.A. 82a-1041, to recommend the approval of Local Enhanced Management Areas (LEMAs) to the chief engineer of the Kansas Department of Agriculture, Division of Water Resources.

A LEMA is a tool that allows GMDs to set goals and control measures to aid in water conservation, at the approval of the chief engineer.

Overview of process:

- GMD develops LEMA goal(s) and plan, then submits them to the chief engineer.
- The chief engineer reviews the plan to ensure it is “acceptable for consideration,” i.e., meets the plan requirements (see below). If found to be acceptable, he initiates initial public hearing.
- Initial hearing — The chief engineer provides notice of initial hearing requiring 30 days of notice by publication and to each affected water right owner. A hearing is held to go over the initial hearing questions (see below). There is no time limit placed on the designated hearing officer to make his/her decision.
- Subsequent hearing(s) — If the hearing officer makes a positive finding on all three initial questions, the chief engineer holds one or more hearings on the merits of the plan. The notice requirements are the same.
- Chief engineer decision and order — The chief engineer must issue an order of decision within 120 days accepting the plan, rejecting the plan, or returning it to the GMD with recommendations. If the order is accepted, then an order of designation is issued within a reasonable time afterward.

LEMA plan requirements:

K.S.A. 82a-1041 requires that a LEMA plan:

- Proposes clear geographic boundaries;
- pertains to an area wholly within the groundwater management district;
- proposes goals and corrective control provisions adequate to meet the stated goals;
- gives due consideration to water users who already have implemented reductions in water use resulting in voluntary conservation measures;
- includes a compliance monitoring and enforcement element; and
- is consistent with state law.

Initial hearing questions:

The initial public hearing as conducted by the chief engineer or his representative shall resolve the following findings of fact:

- Whether one or more of the circumstances specified in K.S.A. 82a-1036(a) through (d), and amendments thereto, exist;
- whether the public interest or K.S.A. 82a-1020 (GMD act), and amendments thereto, requires that one or more corrective control provisions be adopted; and
- whether the geographic boundaries are reasonable.

K.S.A. 82a-1036 conditions for initiating a LEMA:

- Groundwater levels in the area in question are declining or have declined excessively; or
- the rate of withdrawal of groundwater within the area in question equals or exceeds the rate of recharge in such area; or
- preventable waste of water is occurring or may occur within the area in question; or
- unreasonable deterioration of the quality of water is occurring or may occur within the area in question.

For more information on LEMAs please see:

www.agriculture.ks.gov/LEMA